

THE UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION

MEHRDAD TAVOUSSI and
SHOREH NAVAB,

Plaintiffs,

vs.

MARKEL INTERNATIONAL
INSURANCE COMPANY LIMITED,

Defendant.

§
§
§
§
§
§
§
§
§
§
§

CIVIL ACTION NO. 4:16-cv-01283

NOTICE OF REMOVAL

Pursuant to 28 U.S.C. § 1441, Defendant Markel International Insurance Company Limited (“Markel”), hereby removes the action styled and numbered *Mehrdad Tavoussi and Shoreh Navab v. Markel International Insurance Company Limited*, Cause No. 2016-21421, pending in the 125th Judicial District Court in Harris County, Texas to the United States District Court for the Southern District of Texas, Houston Division. For the reasons set forth below, removal of the state court action is proper under 28 U.S.C. §§1332, 1441, and 1446.

I. THE STATE COURT ACTION

1. On April 4, 2016, Plaintiffs Mehrdad Tavoussi and Shoreh Navab (“Plaintiffs”) filed their Original Petition in the 125th Judicial District Court in Harris County, Texas – Cause No. 2016-21421.

2. Plaintiffs’ Original Petition alleges causes of action against Markel for Breach of Contract, Violations of Section 542 of the Texas Insurance Code, Violations of the DTPA, Violations of Section 541 of the Texas Insurance Code, and Breach of Good Faith and Fair Dealing.

II. NOTICE OF REMOVAL IS TIMELY

3. Markel was served with the petition and citation on April 13, 2016. Accordingly, Markel files this Notice of Removal within the 30-day time period required by 28 U.S.C. §1446(b).

III. VENUE IS PROPER

4. Venue is proper in this district under 28 U.S.C. §1441(a) because the state court where the action has been pending is located in this district.

IV. BASIS FOR REMOVAL JURISDICTION

5. Removal of this action is proper under 28 U.S.C. §1441 because it is a civil action brought in a state court and the federal courts have original jurisdiction over the subject matter pursuant to 28 U.S.C. §1332. Specifically, removal is proper because there is now, and was at the time this action was filed, complete diversity of citizenship between Plaintiffs and Markel and the amount in controversy exceeds \$75,000 excluding interest, costs, and attorney's fees.

V. DIVERSITY

6. Plaintiffs are Texas residents who resides in Harris County, Texas.

7. Markel was at the time this lawsuit was filed, and at the date of this Notice remains, a foreign insurer incorporated under the laws of United Kingdom and with its physical location in London, England. Therefore, Markel is not a citizen of the State of Texas.

8. Accordingly, there is now, and was at the time this action was filed, complete diversity of citizenship between Plaintiffs and Markel.

VI. AMOUNT IN CONTROVERSY

9. If it is facially apparent that Plaintiffs' claims exceed the jurisdictional amount,

Markel's burden is satisfied.¹

10. In their Original Petition, Plaintiffs seek monetary relief over \$1,000,000.²

11. Thus, it is facially apparent that Plaintiffs' claims exceed the jurisdictional minimum of \$75,000.01.

12. Because there is complete diversity among the parties and the amount in controversy requirement is satisfied, this Court has jurisdiction pursuant to 28 U.S.C. §1332(a). Removal is therefore proper.

VII. COMPLIANCE WITH LOCAL RULE LR81

13. Pursuant to Rule LR81 of the Local Rules of the Southern District of Texas, Markel is filing this Notice of Removal accompanied by the following exhibits:

- a. All executed process in the case, attached hereto as **Exhibit A**
- b. Plaintiffs' Original Petition, attached hereto as **Exhibit B**
- c. Markel's Original Answer and Affirmative Defenses, attached hereto as **Exhibit C**
- d. The docket sheet, attached hereto as **Exhibit D**
- e. An index of matters being filed, attached hereto as **Exhibit E**
- f. A list of attorneys involved in the action, attached hereto as **Exhibit F**

VIII. CONCLUSION

14. Markel will promptly file a copy of this Notice of Removal with the clerk of the state court where the action is pending.

15. Therefore, Markel hereby provides notice that this action is duly removed.

¹ *Allen v. R & H Oil & Gas Co.*, 63 F.3d 1326, 1335 (5th Cir. 1999).

² See **Exhibit B**, Plaintiffs' Original Petition at §VIII.

Respectfully submitted,

By: /s/ Todd M. Tippet

Todd M. Tippet

State Bar No. 24046977

S.Dist. Bar No. 573544

TTippet@zelle.com

LEAD ATTORNEY

Andrew A. Howell

State Bar No. 24072818

S.Dist. Bar No. 1751294

AHowell@zelle.com

ZELLE LLP

901 Main Street, Suite 4000

Dallas, TX 75202

Telephone: (214) 742-3000

Facsimile: (214) 760-8994

ATTORNEYS FOR DEFENDANT

CERTIFICATE OF SERVICE

This is to certify that a true and correct copy of the foregoing Notice of Removal has been served on all the following counsel of record by electronic filing pursuant to the FEDERAL RULES OF CIVIL PROCEDURE on this 6th day of May 2016:

Humberto G. Garcia
Humberto@speightsfirm.com
W. Lee Calhoun
Lee@speightsfirm.com
Ben Crowell
BCrowell@speightsfirm.com
SPEIGHTS & WORRICH
1350 North Loop 1604 East, Suite 104
San Antonio, Texas 78232
(210) 495-6789 – phone
(210) 495-6790 – fax

ATTORNEYS FOR PLAINTIFFS

/s/ Todd M. Tippet

Todd M. Tippet